

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

In re C.H. Robinson Worldwide, Inc.,  
Overtime Pay Litigation.

Case No. 07-md-1849 (JNE)

The Court conditionally certified collective actions under the Fair Labor Standards Act. Later, the Court decertified the putative collective actions. Individuals who had opted to join the putative collective actions then filed separate actions in several districts. The Judicial Panel on Multidistrict Litigation transferred the actions to the District of Minnesota for coordinated or consolidated pretrial proceedings. The parties later moved for settlement approval.

The parties conditioned their joint motion for settlement approval on the Court's grant of C.H. Robinson Worldwide, Inc.'s motion to dismiss with prejudice claims of fourteen plaintiffs for lack of prosecution. Although Plaintiffs' counsel did not oppose the motion, the Court denied it and ordered the fourteen plaintiffs to state whether they want to settle their claims, pursue their claims instead of settling, or dismiss their claims with prejudice. The fourteen plaintiffs were admonished that failure to respond could subject their claims to dismissal with prejudice. Four plaintiffs responded that they wanted to settle their claims; two stated they wanted to dismiss their claims; and eight did not timely respond. C.H. Robinson Worldwide then moved to dismiss with prejudice the claims of the eight plaintiffs. Plaintiffs' counsel did not oppose the motion at that time.

Almost two weeks later, Plaintiffs' counsel filed a declaration stating that one of the eight, Boris Sazhaev, wanted to settle his claim and had submitted settlement documents. The Court construes the declaration's submission as opposition to C.H. Robinson Worldwide's motion insofar as the motion relates to Sazhaev. With respect to the other seven plaintiffs, C.H.

Robinson Worldwide's motion remains unopposed. The Court denies the motion insofar as it relates to Sazhaev but otherwise grants the motion. *See* Fed. R. Civ. P. 41(b).

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. C.H. Robinson Worldwide's motion to dismiss with prejudice the claims of eight plaintiffs [Docket No. 56] is GRANTED IN PART and DENIED IN PART.
2. The claims of Carrie Damien in *Diaz v. C.H. Robinson Worldwide, Inc.*, Civil No. 07-3439 (D. Minn.), are DISMISSED WITH PREJUDICE.
3. The claims of Catherine Dick (f/k/a Catherine Haggerty) in *Ciaglia v. C.H. Robinson Worldwide, Inc.*, Civil No. 07-3445 (D. Minn.), are DISMISSED WITH PREJUDICE.
4. The claims of Christina Doto in *Doto v. C.H. Robinson Worldwide, Inc.*, Civil No. 07-3472 (D. Minn.), are DISMISSED WITH PREJUDICE.
5. The claims of Michelle Janovitz in *East v. C.H. Robinson Worldwide, Inc.*, Civil No. 06-4649 (D. Minn.), are DISMISSED WITH PREJUDICE.
6. The claims of Quinzola Neely in *Sparks v. C.H. Robinson Worldwide, Inc.*, Civil No. 07-3443 (D. Minn.), are DISMISSED WITH PREJUDICE.
7. The claims of Leslie Williams-Ogletree in *Sparks v. C.H. Robinson Worldwide, Inc.*, Civil No. 07-3443 (D. Minn.), are DISMISSED WITH PREJUDICE.
8. The claims of Andre Smith in *Sparks v. C.H. Robinson Worldwide, Inc.*, Civil No. 07-3443 (D. Minn.), are DISMISSED WITH PREJUDICE.
9. The Clerk of Court shall file a copy of this Order in each of the above-referenced cases.

Dated: February 20, 2008

s/ Joan N. Ericksen  
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JOAN N. ERICKSEN  
United States District Judge